

RECEIVED  
CENTRAL FAX CENTER  
AUG 11 2006



2021 Stierlin Court, Mountain View, CA 94043  
Telephone (650) 625-4500

**DATE:** August 11, 2006

**To:** USPTO  
**Mail Stop** AMENDMENT

**From:** Debbie Vitale  
Perlegen Sciences, Inc.

**Fax:** (571) 273-8300

**Direct Fax:** (650) 625-4574

**Phone:** ()

**Direct Phone:** (650) 625-4576

**NUMBER OF PAGES INCLUDING THIS COVER SHEET:** 4

A Response to Restriction Requirement for Application No. 10/691,069 follows.

Thank you,  
Debbie Vitale  
Patent Administrator  
[dvitale@perlegen.com](mailto:dvitale@perlegen.com)

This information may be confidential / proprietary. If you are not the intended receiver of this document, distribution or use of this communication is prohibited. If you have received this communication in error, please immediately notify us by telephone, and return to the above address via the postal service. We will return the postage fees.

rev. 12/01

RECEIVED  
CENTRAL FAX CENTER

002/004

AUG 11 2006

**Certificate of Facsimile Transmission**

Docket No. 100/1045-10

I hereby certify that this correspondence and any attachments  
thereto are being facsimile transmitted to the United States  
Patent and Trademark Office, Fax No. 571-273-8300  
On August 11, 2006.

By: 

Debbie Vitale

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: David A. Hinds	Examiner: Lori A. Clow
Application No.: 10/691,069	Group: 1631
Filed: October 21, 2003	
Title: Computer Implemented Method and System for Analyzing Genetic Association Studies	RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed July 11, 2006, in the interest of furthering the prosecution of the aforementioned application, Applicants respectfully elect, with traverse, to prosecute claims in Group I (Claims 1-8, 15-18, and 23-25), drawn to a computer implemented method, a computer program product, and a computer system for analyzing a case-control genetic association study, classified in class 702, subclass 19, in the above-entitled application.

In order for a Restriction Requirement to be proper, the claim groups identified for restriction must be independent or distinct from one another, and examining all claim groups in a single application must present a serious burden on the Examiner. See MPEP § 803. "Where,

Application/Control Number: 10/691,069  
Art Unit 1631

however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.” (MPEP 808.02)

In the present Restriction Requirement, the Examiner acknowledges that each group of claims is classified in class 702, subclass 19. No other subclasses are mentioned, nor is there any clear indication of separate future classification. Therefore, there is no rationale presented by the Examiner as to an undue burden being imposed in searching all the claims.

The Examiner argues that the various claim groups are distinct because “the methods steps have different stated outcomes and therefore, the inventions are different.” The methods may have different outcomes; however, the steps involved in each method are very similar. As noted by the Examiner, the inventions in Group I and Group II both include the steps of “providing a spreadsheet, programming the software, inputting values for genetic association and determining allele frequency.” The difference is that in the claims of Group I, study parameters are inputs in order to determine the “power” of the study, and in Group II, a predicted or desired power of the study is an input in order to determine other study parameters. As such, it is unclear why the inventions would require a different field of search, as suggested by the Examiner. A simple comparison of the limitations of the claims of Group I with the limitations of the claims of Group II shows that any search on the claims of one group must necessarily include prior art that is most relevant to the claims of the other group. While the claims of the two groups are patentably distinct from one another, examination of all pending claims (1-28) clearly would not constitute an undue burden. It is therefore respectfully requested that the present Restriction Requirement be withdrawn in its entirety and all claims be examined together.

Applicants believe that the present application is in condition for allowance and action toward that end is respectfully requested. If any fees are due (or any fees are to be credited) in connection with the filing of this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to the Perlegen Sciences, Inc. Deposit Account 50-2043.

Application/Control Number: 10/691,069  
Art Unit 1631

If the Examiner believes that a telephone interview would expedite the allowance of this application, the Examiner is requested to contact the undersigned at the telephone number below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deana A. Arnold". The signature is fluid and cursive, with the first and last names being more prominent.

Deana A. Arnold, Ph.D.  
Reg. No. 52,567

PERLEGEN SCIENCES, INC.  
2021 Stierlin Court